



1615 L Street NW Suite 1100
Washington DC 20036
202-861-2480

November 25, 2013

Senator Richard Durbin
711 Hart Senate Office Bldg.
Washington, DC 20510

Senator Mike Lee
316 Hart Senate Office Bldg.
Washington, DC 20510

Senator Patrick Leahy
437 Russell Senate Office Bldg.
Washington, DC 20510

Dear Senators Durbin, Lee and Leahy:

The Association of Prosecuting Attorneys (APA) is a private non-profit whose mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. We are the only national organization to include and support all prosecutors, including both appointed and elected prosecutors, as well as their deputies and assistants, whether they work as city attorneys, city prosecutors, district attorneys, state's attorneys, attorneys general or U.S. attorneys.

On behalf of APA, I offer our support of your efforts in Congress to pass the Smarter Sentencing Act of 2013 (S.1410, H.R.3382), as this legislation improves public safety, helps redirect resources from federal incarceration of lower-level drug offenders to our most important law enforcement priorities, and promotes fairness of sentences for drug offenders who were sentenced prior to the enactment of the Fair Sentencing Act. As prosecutors, we are well aware of the need for proportionate sentencing and believe that adjustments should be made to the federal drug mandatory minimums that are evidence-based, take into consideration data from the Sentencing Commission, and are intended to reduce recidivism.

The bill reduces, but does not eliminate, certain mandatory minimums for non-violent drug offenses. However, it keeps in place a floor of significant custody time for swift, certain punishment. Prosecutors and judges should be allowed some reasonable discretion in cases involving non-violent drug offenses, and that discretion is provided by this bill. These reductions will allow courts to make appropriate, individualized assessments in non-violent drug cases, maintain some uniformity in sentencing for drug-related offenses, and continue to sentence the most serious offenders with appropriately long sentences. The bill also modestly expands the existing federal safety valve consistent with public safety.

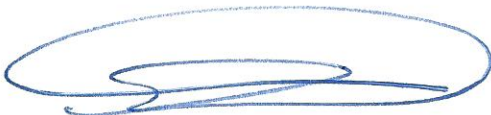
The bill promotes fairness and justice in sentencing by allowing inmates serving sentences imposed before the Fair Sentencing Act to seek sentence reductions consistent with current law. It is unjust not to address those serving sentences Congress already determined to be unfair and racially disparate. Prosecutors will review each and every petition for a sentence reduction and oppose reductions where necessary before judges who can deny any petition consistent with public safety. Lastly, the bill requires the Attorney General to report on how the reduced expenditures on federal corrections and cost savings resulting from this Act will be used to help reduce overcrowding, increase investment in law enforcement and crime prevention, and reduce recidivism. This is important to study, as spending on federal incarceration has increased by more than 1100 percent in the last 30 years. Almost 50 percent of the federal prison population consists of offenders with commitments for drug or drug-related offenses.

This continued rise in prison population at the federal level is inconsistent with trends at the state level, which have plateaued or declined in recent years. This funding pressure has caused a shift from some of our most important law enforcement functions including prosecutors, investigators, state/local criminal justice assistance as well as crime prevention efforts. For example, since 2011 alone, DOJ has lost hundreds of positions in U.S. Attorney's Offices, the Drug Enforcement Administration and the U.S. Marshals Service. In addition, local assistance programs like Byrne JAG have been reduced over 40 percent. These local assistance funds are critical for the improvement of the administration of justice in this country.

We have made huge strides in terms of public safety and violent crime. With nearly a third of the Department of Justice budget now going to federal incarceration and detention, we are threatening our ability to provide sufficient law enforcement resources and keep our communities safe.

We are available to answer any questions you may have, and we thank you for your attention to this real and pressing law enforcement concern. This measure, when enacted into law, will help reduce overcrowding in the Federal Bureau of Prisons, help increase proper investment in law enforcement and crime prevention, and help reduce criminal recidivism, thereby increasing the effectiveness of Federal criminal justice spending.

Respectfully submitted,



David LaBahn
President and CEO